

October 6, 2009

Letter to the Editor
Topeka Capital-Journal
616 SE Jefferson
Topeka KS 66607

I am writing in response to the editorial headlined "Prison Sex" published in the Tuesday, October 6, 2009 edition of the Topeka Capital-Journal and the articles published in the Sunday, Monday and Tuesday editions of your paper concerning issues of unacceptable and illegal activities of staff in Kansas correctional facilities.

Let me begin by making one point as clear as I can possibly make it regarding the information contained in those articles and your editorial. I have full confidence that the overwhelming majority of the employees of the Kansas Department of Corrections come to work every day and perform very challenging, difficult and potentially dangerous jobs in full compliance with state and federal laws, rules, regulations, and department policies. There is not one credible source of information which would support any claim that as many as one-third of the employees at Topeka Correctional Facility or any correctional facility currently operated in the state of Kansas have been involved in the introduction of contraband or other illegal activities with inmates. This claim, without substantiation, is an irresponsible and unfair allegation leveled against what I believe are some of the most dedicated and professional staff in Kansas government and in corrections throughout the United States. It is offensive that the Capital-Journal would place all the employees of Topeka Correctional Facility under this suspicion in making such a sweeping assertion absent evidence to support it.

The Department deals with issues of staff misconduct each time those issues arise. Having sex with inmates and trafficking in contraband are illegal. Those laws are enforced. In the case of the plumbing instructor highlighted in your articles, the Department dealt with that case as soon as it was brought to our attention two years ago. At the time we received information that an inmate had become pregnant, we contacted the Topeka Police Department to conduct an investigation into a case that initially resulted in a charge of rape. That case resulted in a negotiated plea with the defendant being placed on probation in accordance with Kansas statute. That plea agreement was reached between the Shawnee County District Attorney and the defense attorney and did not involve the Department of Corrections. I would have preferred that the defendant in this case would have been sentenced to a term of incarceration for his activity, but that decision was reached without our input or consultation.

We provided medical care for the victim of the crime, who in this case was an inmate. We provided her with counseling concerning her options regarding her pregnancy. Her choice was to terminate the pregnancy. The Department of Corrections does not pay for

DEPARTMENT OF CORRECTIONS

Page 2
Letter to the Editor
October 6, 2009

abortions. Since 2004, a total of 92 inmates were pregnant at the time they entered Topeka Correctional Facility. One inmate, the inmate in the Gallardo case, became pregnant while incarcerated. Of the total 93 pregnancies, 87 resulted in children being born. Three cases ended with miscarriages. Two cases, including the inmate from the Gallardo case, ended with abortions. Inmates who choose to terminate a pregnancy must find a way to pay for the procedure. In the Gallardo case, a group from the community raised the funds for the victim to have the procedure. But the decision to deliver a child or terminate a pregnancy belongs only to the pregnant inmate, not the Department of Corrections.

The Gallardo case was covered by the Topeka Capital-Journal at the time it was in court on March 19, 20, and 21, 2008. Some cases of illegal activity by staff are covered by the media, some are not. Every case of what the Department of Corrections has reason to believe is illegal activity by staff or by inmates is investigated either internally or by an outside agency and referred for prosecution when sufficient evidence can be gathered to support a criminal charge. Some cases result in dismissal from employment, some staff resign before they can be fired.

Our primary goal in each of these cases is to ensure the safety and security of our correctional facilities for the staff who work there, the inmates who are incarcerated there, and for the public. Cases of illegal activity do not occur frequently, but even one case is too many. The Department of Corrections will continue to pursue a zero tolerance policy for violations of policy and law and hold both staff and inmates accountable when they fail to comply.

Sincerely,

A handwritten signature in blue ink, appearing to read "Roger Werholtz", with a long horizontal flourish extending to the right.

Roger Werholtz
Secretary of Corrections